



# Town Of Amenia

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## **PLANNING BOARD MEETING THURSDAY, SEPTEMBER 6, 2012**

Present: Chairwoman Nina Peek  
Tony Robustelli  
Peter Clair  
James Walsh  
Larry Moore  
Ian MacDonald, Attorney

Absent: Nathan Roy  
Norm Fontaine

MOTION TO OPEN THE PLANNING BOARD MEETING AT 7:02 P.M. was made by Peter Clair, seconded by James Walsh.

**Leedsville Realty & Construction Preliminary Discussion      486 Leedsville Road  
Amenia, NY**

Brian Houston of Bly and Houston, LLC introduced himself to the Board as representative of James Flaherty and Bob Skibsted. Chairwoman Peek asked Mr. Flaherty if he had spoken with Ian MacDonald regarding the outstanding escrow. Mr. Flaherty answered yes and would take that balance of \$1092 along with the escrow amount to be set by the Board. Application is for a Major Site Plan (exceeds 1000 foot threshold), and Special Use Permit for a non-conforming lot.

Mr. Houston continued showing the Board the existing conditions of the site, the survey with 2 foot contours, the proposed addition to the house and then the enclosure around the pool. Questions before included if this project fell within the 50% threshold – that is, if the proposed addition is less than 50 percent of the existing building footprint, then the applicant can apply to the Planning Board for a Special Permit. If the addition exceeds 50 percent of the existing footprint, the applicant would need to apply to the Zoning Board for a variance. In the

application Mr. Houston provided a “building footprint calculation”, which he passed out to the Board. The square footage of the existing structure adds up to 5,930 square feet including the first floor of the house, the second floor and the space under the existing porch. The porch is on the second story; however it is a utility room. Ms. Peek asked if the utility room was above ground. Mr. Houston answered yes it was. What is proposed is roughly 2700 square feet, which is about 46%. There is an existing pool which had a patio around it that has already been removed and they will enclose the pool and provide an access way coming off the little addition. Ms. Peek asked if it would be at the same grade. Mr. Houston said yes, the site is flat, about ½ foot rise.

Ms. Peek stated she had some questions on the forms and wasn't sure if we wanted to go through them tonight as this was also sent to Julie Mangarillo for her review. She asked if Mr. Houston would like to go over them now. Mr. Houston stated he would rather go over them tonight.

Discussion was as follows:

1. On the Land Use Application, both Site Plan and Special Use Permit need to be checked off.
2. Calculations of the proposed footprint: - The 5,203 footprint that shows up on the form, where does that number come from as the total square footage is 5930 square feet? Mr. Houston stated that number is the footprint of the structure. Ms. Peek asked that all figures be made consistent.
3. The numbers for the existing and proposed structures: the proposed should be revised to indicate the total net it shouldn't be just the addition. The total after you add the addition is 8634 square foot.
4. There were also a couple of other things not filled out on the form. Ms. Mangarillo will go over these with you after her review.
5. A long form EAF is required as your addition is over 1000 square feet.
6. The site is not served by public utilities.
7. The height of the finished addition states less than 35', in another place it is more than 35'.
8. Please clarify what SDS stands for? Mr. Houston stated it stands for Sewage Disposal System.
9. They have their own well on the property. The usual water usage is 150 gallons per bedroom per day – it states 85 per bedroom per day. However, Mr. Houston told Ms. Peek there were only 2 people going to live in the house. Ms. Peek asked Mr. Houston to clarify the source of the 85 gallons/bedroom/day.

Ms. Peek told Mr. Houston that the 5 waivers he was seeking would be considered including the landscape plan. Mr. Houston asked about the soil and erosion plan and Ms. Peek deferred to the

Town Engineer on that, however felt that because they were not going to be substantial grading, a waiver may be granted.

Mr. Flaherty submitted a check in the amount of \$3092.00 taking care of the bill from Daniels & Porco of \$1092.00 and \$2000.00 to fund the escrow for this project.

## **Cumberland Farms**

## **Site Plan**

## **East Main Street & Route 343 Amenia, NY**

Chris Boyea, Bohler Engineering in Albany, NY represented Cumberland Farms and also brought with him the Local and Regional Manager of Cumberland Farms. Cumberland Farms are remodeling a many of the stores in the Dutchess County area. This store has been in operation since 1984. Part of the remodels will make sure that the store is customer friendly, ADA accessible, sidewalks may need repair and over the years pavements shift. Handicap spaces will be properly installed and the ramps are at the right grade, and the sidewalks will be the proper width. It will look fresher, cleaner and better. Cumberland Farms will take over the vacant tenant space to the east side of the building and expand the store. There will be wheelchair accessible seating and wheelchair accessible bathrooms inside the store. On the outside they will upgrade the façade. The canopy will match the new façade. Signs – the old signs will come off and put the new Cumberland Farms signs up. The fuel system is as old as the building, and will be updated. Mr. Boyea showed the Board where they were located and said they would be put back in the same space once the new tanks were ready to be put in place. The fuel tanks will be upgraded to current technology. The fuel capacity of 24,000 gallons will not change. The canopy will get a new coat of paint, and the fuel dispensers will be upgraded. Most everything with today's technology has more advanced pipes so that everything is double protected as well as the double walled tanks that will protect from leaks. Jim Walsh asked what types of tanks were in the ground now. Mr. Boyea answered single wall fiberglass. They will be replaced with double wall fiberglass tanks. There will not be much digging as they will remove the old tanks and bed of stone and replace the tanks and put in all new stone. Ian MacDonald asked if they needed DEC approval. Mr. Boyea stated DEC regulates underground storage tanks, so all those permits go through DEC. Chairwoman Peek stated that our Building Inspector would not issue a building permit until they have all the DEC permits in hand. Mr. Boyea felt that the two were not related, the interior remodel will happen regardless of the tanks upgraded. Cumberland Farms may even remodel the store in phases so it would not have impact the customers.

In looking at the site plan, Mr. Boyea indicated that it will not change much from what there is now in terms of location of site features. There will be no changes to the edges of the pavement or the parking lot; the dumpster and service area will still be located in the back, fuel tanks are

located on the east side and the canopy stays the same. As for the signs, improvements are proposed. In general, Mr. Boyea indicated the proposed signage would be under the total amount of signage square foot that is allowed for the site however it will be different from what there is today. Mr. Boyea indicated that currently, the signage is about 72 square feet on the pole and sits on the east side of the property and we are proposing to locate it on the west side of the property. Chairwoman Peek stated there are signs located on both sides of the property. Mr. Boyea stated it may be a promotional sign but the Cumberland Farms signage is only on the east side of the property on the pole. Mr. Boyea indicated that the proposed new sign is 24 square feet smaller. This sign would be externally illuminated. The Gulf sign will be replaced with Cumberland Farms sign on the canopy and will be larger than what is currently there. The back of the building will be cleaned up however no real improvements will be made. In the front of the building, the door will be moved to the center of the building and use brick to make the façade of the storefront look better. There is a shed in the back that will be removed and the area will be grassed.

Charlotte Murphy asked if the ice machine would still be located in the same place in the front of the store outside because it creates a very narrow sidewalk condition. With the ice machine there the sidewalk is too narrow. Mr. Boyea stated the ice machine would still be outside; however the sidewalk was going to be made wider. Jim Walsh asked if there was going to be any landscaping. Ms. Peek stated they would need to do a landscaping plan that the Board will require as part of the site plan application process and also Dutchess County will ask for additional landscaping on the frontage. There is a draft Town approved plant list available for use by Cumberland Farms, but they can also provide a proposed landscape plan for review by the Planning Board's consultant.

Ms. Peek noted that the chain link fence on the western side of the property was going to be replaced but it doesn't say what you are going to replace it with Mr. Boyea stated. For security purpose reasons it needs to be a chain link fence it could be a green vinyl coated. Mr. Boyea noted the safety and security condition for the in-site stream, and therefore the need to retain the chain link fence.

Ms. Peek also stated that because this is in the Historic District there are some additional requirements and sensitivity to some of the features on the site. Almost all of the proposed signs exceed our standards and the calculations presented on the proposed site plans were not accurate. The numbers represented in the sign chart on the back of the application package are not accurate. If you measure out the dimensions of the proposed signs it doesn't appear to add up to the numbers that are on the sign chart. In addition, for the pole mounted sign, you have a maximum height of 10' and your proposed height is 18', so that exceeds the maximum. In addition the dimensions of the sign it looks like 4' for the pricing sign and 4' for the Cumberland Farms sign and then 6' across, so that is 8'x 6' which is 48 square feet. In the chart it states 24

square feet. Mr. Boyea stated it is 24 square feet for each sign. Ms. Peek stated our code maximum is 16 square feet. You then exceed not only the height but the size. Mr. Boyea told the Board they are trying to make the site come more into compliance with the code as the existing sign is much larger 20' high and 72 square foot sign so we would be better to keep the existing sign as is. Ms. Peek stated the existing sign is non-compliant and should have been taken down in July 2012 – when the grace period expired. As such, it is currently in violation. The Zoning Enforcement Officer did not issue a violation notice because he was aware that the applicant was coming before the Board for site plan approval. But the applicant should be aware that they have been in violation for several months. Ms. Peek continued that the signs that are proposed for the front of the building appear to be 4' 9" by 10' 6" which is also about 50 square feet. The chart said that the building sign is only 25.7 square feet, which also exceed regulations. There are provisions for signage bonuses but that would only apply to the sign that is mounted on the building. It doesn't apply to pole or canopy signs. The two canopy signs that are proposed that are larger than the code allows. If they are all added up it exceeds the amount allowable signs for the entire site. Ms. Peek suggested that the applicant review what is required in our code particularly the height and size of the pole mounted sign and try to bring the sign on the front of the building and the canopy signs more in line with our code. If you exceed then you must go to the Zoning Board for a variance. Peter Clair stated this is what happened to Dollar General and their proposed signs were much larger and taller than what was approved and that Cumberland Farms had many more proposed signs than Dollar General.

Ms. Peek stated that all the lighting on any of the signs must be pointed down. Mr. Boyea stated that there would be no spillage and showed the Board a sample. Ms. Peek stated they may want to look at the lights on Dollar General as example of what is preferred in the Historic District. Mr. Boyea noted that the air machine will be moved from the west side of the building to the east side of the building and will be a new air machine. The propane tanks will remain where they are located. Ms. Peek added on the plan it stated there will be 14' high LED aerial lights. Mr. Boyea stated there are 18' lights now and there will be 14' shoebox light. These will point downward and will be shielded. Ms. Peek suggested that the applicant review the code to make sure LED is allowed. Ms. Peek asked that on the site plan they would paint in/out arrows. Peter Clair asked if on the west side was there going to be any cleanup of the growth that is there. Mr. Boyea stated there may be some cleanup when the fence is replaced, however not going back any farther. Jim Walsh asked about whether picnic tables would be provided? Mr. Boyea indicated that they would not. Tony Robustelli asked about bathrooms. Mr. Boyea stated they would have both men's and women's handicapped bathrooms. Ms. Peek asked if the Red Box could be located inside the store. Mr. Boyea stated that Red Box does not work inside. Only in a store that is open 24 hours a day. Red Box is a separate contract. Ms. Peek indicated that the Board strongly suggests that the Red Box be placed inside the building as the Town does not allow exterior sales.

Regarding the application package, the Planning Board requires only one project description. Ms. Peek asked what is meant by install store front system? Mr. Boyea stated it is clear glass, with an aluminum frame. Tony Robustelli asked if there was an alarm system for the ice machine and tanks. Mr. Boyea stated the alarm system is inside but there is a pull box and control box outside. The vent for the tanks is remaining the same.

Ms. Peek felt the next step would be for Mr. Boyea to come back with a landscape plan, rethink the signage and resubmit to John Fenton. Mr. Boyea felt that signage will be an issue and would like to go to the ZBA for variances. He requested clarification on the SEQRA process.

Mr. MacDonald felt it would be an unlisted action not a type 2. It would be up to the Planning Board, coordinated review would be optional not mandatory. Then the ZBA would do their own SEQRA review. Mr. Boyea asked about escrow. Ms. Peek stated if you are going to ZBA then there is no need for the applicant to post escrow with the Planning Board until there is an active application in front of the Board. Escrow will be required as the application is sent to our engineer and attorney for their review. Cumberland Farms requested a waiver for wetland and 200' mapping, because they are not changing anything. Ms. Peek stated no, however you do not have an application before the Board at this time. Ms. Peek felt they are located in the primary valley bottom aquifer so they might want to take a look at the requirements in the Zoning Code for natural recharge calculations. This Board might be able to waive that requirement as well.

#### **OTHER MATTERS:**

Ian MacDonald asked where Leedsville Road was left as he was late in coming to the meeting. Ms. Peek stated they submitted their application, paid the escrow; the application will go to Julie Mangarillo for review and will have her comments for the workshop on the 27<sup>th</sup> of September.

MOTION TO APPROVE THE MINUTES OF JUNE 28, 2012 AND JULY 26, 2012 AS READ was made by Jim Walsh, seconded by Peter Clair

VOTE TAKEN - MOTION CARRIED

#### **Updates from on-going Coordination with the Zoning Enforcement Officer**

**DOLLAR GENERAL:** Ms. Peek noted that the arrows still have not been painted on the Mechanic Street side of the property and there was merchandise outside the front door for sale that need to be removed. There is also a car parked (Volkswagen) preventing people from coming in. Bill McGhee stated he was working on that car, however is being placed in a liability situation. Ms. Peek told Mr. McGhee he would need to speak with Mr. Redl regarding this issue. A final approval will not be granted until the arrows have been painted and the materials have been removed.

**HAMMOND DAIRY:** The Hammond Dairy that is on the Hammond Farm wants to move its operation from there to the Loughlin Farm in Wassaic. They went to the Building Inspector and they found it is light industrial use so it is prohibited in a residential district. Ms. Peek recommended they go to the Town Board for a Zone Text Amendment.

**RICHARD HENRY PROPERTY ON OLD ROUTE 22:** John Fenton indicated to Ms. Peek there have been several complaints regarding nudity and property maintenance issues at the Richard Henry property on Old Route 22. The property is in violation of current zoning. We will continue to discuss possible measures to remedy.

**ANTIQUE STORE ON ROUTE 22:** The owner of the Antique Store at the corner of Route 22 and Main Street would like to come in to discuss a sign permit for her business. John Fenton told her that she needed to clean up the antiques outside the store as they should not be left out. Then come to the Planning Board. This property is also currently in violation of the Town's Zoning Code. If not brought into compliance an Order to Remedy will be issued.

Ms. Peek stated that the Board does not have a Landscape Architect that is qualified to review Landscape Plans. Peter Karis from Pleasant Valley is a Landscape Architect with a Civil Engineering background that Ms. Peek has worked with. His rates are extremely reasonable and we would be able to call when we need a landscape plan reviewed. He would be happy to come to a meeting and meet the Board. Ms. Peek will invite him to our September workshop.

MOTION TO CLOSE THE PLANNING BOARD MEETING was made by Peter Clair, seconded by Jim Walsh.

Respectfully submitted,

Susan M. Metcalfe  
Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Amenia Planning Board from a meeting held on September 6, 2012 and are not to be construed as the final official minutes until so approved.

\_\_\_\_\_ Approved as read

\_\_\_\_\_ Approved with: deletions, corrections and additions

